

CHIROPRACTORS BUYING GROUP, INC.)

Plaintiff,

V.

DSM SUPPLY,

Defendant.

Case No. 4:10-cv-00647-HFS

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD
WITH SUPPORTING SUGGESTIONS

Spencer Fane Britt & Browne LLP and Patrick J. Whalen (“Spencer Fane”), pursuant to Missouri Rule of Professional Conduct 4–1.16(b)(5) and Local Rule 83.5(o), counsel for Plaintiff Chiropractors Buying Group, Inc. (“CBG”), hereby seek to withdraw as counsel in this case. In support of this Motion, Spencer Fane states as follows:

1. Spencer Fane has acted as counsel for CBG in this matter before this Court.
2. Since late 2010, Spencer Fane has had communications, orally and in writing, with Plaintiff concerning Plaintiff's obligations to Spencer Fane.¹
3. Plaintiff is in breach of its obligations pursuant to Missouri Rule of Professional Conduct 4-1.16(b)(5). Plaintiff has failed substantially to fulfill its obligations to Spencer Fane, and Plaintiff has been given reasonable warning that Spencer Fane would withdraw if these obligations were not fulfilled.

¹ Spencer Fane has not attached any of the correspondence with Plaintiff as the communications may contain information protected by the attorney-client privilege. Spencer Fane will make the communications available for an *in camera* review by the Court upon request.

4. Although substitute counsel has not yet entered an appearance, Plaintiff has been advised, in writing, to obtain substitute counsel. To date, Plaintiff has not yet obtained substitute counsel.

5. No current discovery obligation is scheduled. Thus, Plaintiff has ample opportunity to obtain new counsel.

WHEREFORE, Spencer Fane respectfully requests an Order of this Court allowing Spencer Fane and Patrick J. Whalen to withdraw as counsel for Plaintiff.

SPENCER FANE BRITT & BROWNE LLP

By: /s/ Patrick J. Whalen

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